

PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/727,017
	Filing Date	December 2, 2003
	First Named Inventor	Marcel BALLY
	Art Unit	Unassigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	6 + 13 REFERENCES	Attorney Docket Number 532552001200

**ENCLOSURES (Check all that apply)**

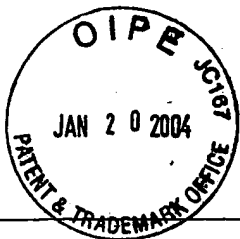
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request (3 pages) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO 1449 (1 page, plus duplicate) References (13) Return Receipt Postcard
<b>Remarks</b>  <b>CUSTOMER NO. 25225</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	<i>Brenda J Wallach</i>
Date	January <u>15</u> , 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

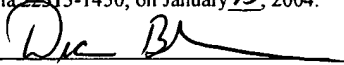
Dated: January 15, 2004Signature: *Diane Blevins* (Diane Blevins)



PATENT  
Docket No. 532552001200

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Diane Blevins

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Marcel BALLY, *et al.*

Serial No.: 10/727,017

Filing Date: December 2, 2003

For: CELL PENETRATING THERAPEUTIC  
AGENTS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The document numbers 4-7, 9 and 11 listed on the attached Form PTO-1449 were cited in an International Search Report mailed on May 15, 2003 (copy attached) directed to a counterpart international or foreign application. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532552001200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 5, 2004

Respectfully submitted,

By: Brenda J Wallach  
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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Docket Number 532552001200	Application Number 10/727,017
	Applicant Marcel BALLY, <i>et al.</i>	
	Filing Date December 2, 2003	Group Art Unit To Be Assigned
	Mailing Date January 15, 2004	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	10/1997	5,674,980	Frankel et al.	530	350	
	2.	04/2000	6,054,312	Larocca et al.	435	320.1	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	3.	03/2001	WO 01/15511	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	4.	Chikh et al., Proceedings of the American Association for Cancer Research Annual (March 2000) 41:519
	5.	Chikh et al., Proceedings of the American Association for Cancer Research Annual (March 2001) 42:276
	6.	Chikh et al., Journal of Immunological Methods (August 2001) 254(1-2):119-135
	7.	Dorn et al., Journal of the American Chemical Society (April 1998) 120(12):2753-2763
	8.	International Search Report mailed on May 15, 2003, for PCT patent application no. PCT/CA02/00853 filed on June 7, 2002, 6 pages.
	9.	Jeong et al., Journal of Organic Chemistry (July 2001) 66(14):4799-4802
	10.	Lin et al., J. Biol. Chem.(1995) 270:14255
	11.	Ng et al., Langmuir (1995) 11:4048-4055
	12.	Rojas et al., Nature Biotech. (1998) 16:370
	13.	Schutze-Redelmeier et al. (1996) J. Immunol. 157:650
	14.	Zhang et al., P.N.A.S. (1998) 95:9184
	15.	Zhou et al., Immunol. Biology (1994) 190:35

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.